

United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ANDREW R. DUPREE,  
Plaintiff,  
  
v.  
  
APPLE, INC, et al.,  
  
Defendants.

Case No. 16-CV-00289-LHK

**ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE AND  
ORDER REQUESTING CLERK'S  
OFFICE AND U.S. MARSHAL TO  
EFFECTUATE SERVICE**

On January 19, 2016, Plaintiff Andrew Dupree ("Dupree") brought suit against Defendants Apple, Inc.; Tim Cook; Brenda Everson; and Suzanne Pierre-Ziles (collectively, "Defendants"). ECF No. 1. On January 19, 2016, Dupree filed motions for leave to proceed *in forma pauperis*, ECF No. 2, and for permission for electronic case filing, ECF No. 4. Also on January 19, 2016, Dupree filed a proposed summons. ECF No. 3.

On January 22, 2016, U.S. Magistrate Judge Howard Lloyd granted Dupree's motions for leave to proceed *in forma pauperis* and for permission for electronic case filing. ECF No. 7. However, Judge Lloyd's January 22, 2016 Order did not instruct the Clerk of the Court to issue a summons and did not order the U.S. Marshal to serve, without prepayment of fees, a copy of the complaint, any amendments, scheduling orders, attachments, Plaintiff's affidavit, and Judge

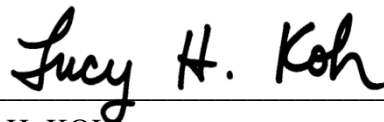
Lloyd's January 22, 2016 Order upon Defendants. Accordingly, it appears that a summons was not issued, and Defendants have not yet been served.

On February 3, 2016, Dupree declined magistrate judge jurisdiction, and on February 8, 2016, the instant action was reassigned from Judge Lloyd to the undersigned. ECF No. 10. On February 23, 2016, the following filings, which were sent to the mailing address listed on Dupree's complaint, were returned as undeliverable: (1) Judge Lloyd's January 22, 2016 Order; (2) a February 5, 2016 Clerk's Notice of Impending Reassignment; and (3) the February 8, 2016 Order Reassigning this Action to the Undersigned. *See* ECF Nos. 11, 13 & 14. On March 3, 2016, Dupree filed a notice of change of address. ECF No. 15. Accordingly, it appears that Dupree has not been informed that his motions for *in forma pauperis* and electronic case filing were granted and that the initial case management conference, which was scheduled via an electronic clerk's notice, ECF No. 11, is currently set for March 23, 2016, at 2:00 p.m.

In light of these circumstances, the Court hereby ORDERS the Clerk of the Court to issue a summons and ORDERS the U.S. Marshal for the Northern District of California to serve, without prepayment of fees, a copy of the complaint, any amendments, scheduling orders, attachments, Plaintiff's affidavit, Judge Lloyd's January 22, 2016 Order, and the instant order upon Defendants. The Court also ORDERS the Clerk of the Court to deliver to Dupree, via both postal mail and email: (1) Judge Lloyd's January 22, 2016 Order; (2) the February 5, 2016 Clerk's Notice of Impending Reassignment; (3) the February 8, 2016 Order Reassigning this Action to the Undersigned; and (4) the Instant Order. Finally, the initial case management conference, currently set for March 23, 2016, at 2:00 p.m., is hereby CONTINUED to April 27, 2016, at 2:00 p.m. The parties shall file their joint case management statement by April 20, 2016.

**IT IS SO ORDERED.**

Dated: March 17, 2016



LUCY H. KOH  
United States District Judge